

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Heyward Jackson, Jr.,

Plaintiff

v.

United States Department of Health and  
Human Services, Centers for Medicare &  
Medicaid Services,

Defendants

Case No.: 2:25-cv-0790-JAD-DJA

**Order Setting Aside Dismissal Order and  
Reopening Case**

[ECF No. 11]

Plaintiff Heyward Jackson, Jr. sues the United States Department of Health and Human Services and the Centers for Medicare & Medicaid Services for refusing to turn over documents under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.<sup>1</sup> The defendants moved to dismiss, arguing that Jackson lacks standing to bring this FOIA claim because he wasn't the one making the FOIA request.<sup>2</sup> The deadline to respond to that motion to dismiss was July 2, 2025, and when this court had not received any opposition by July 7, 2025, it granted the motion as unopposed and closed this case.<sup>3</sup>

But it turns out that Jackson did dispatch for filing an opposition on July 3, 2025, and it arrived at the courthouse in time to cross paths with this court's dismissal order on July 7, 2025.<sup>4</sup> Jackson now moves to set aside the dismissal,<sup>5</sup> explaining that he misread the deadline. With good cause appearing, IT IS ORDERED that the motion to set aside the dismissal order [ECF

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<sup>1</sup> ECF No. 1.

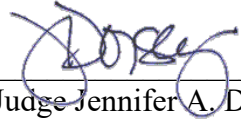
<sup>2</sup> ECF No. 6.

<sup>3</sup> ECF No. 10.

<sup>4</sup> ECF No. 9.

<sup>5</sup> ECF No. 11.

1 **No. 11] is GRANTED.** The Clerk of Court is directed to **SET ASIDE** the dismissal order  
2 **[ECF No. 10], REOPEN this case, and REACTIVATE the motion to dismiss [ECF No. 6].**  
3 **Defendant has until July 16, 2025, to file a reply** in support of the motion to dismiss [ECF No.  
4 6], which will be decided on its merits.

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U.S. District Judge Jennifer A. Dorsey  
July 9, 2025  
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